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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,806	08/17/2001	Alex A. Lopez-Estrada	42390P12162	5825

8791 7590 04/06/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

DUNN, MISHAWN N

ART UNIT PAPER NUMBER

2621

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/932,806	<b>Applicant(s)</b> LOPEZ-ESRADA ET AL.	
	<b>Examiner</b> Mishawn N. Dunn	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/932,806.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 7, and 24 are rejected under 35 U.S.C. 102(a) as being anticipated by Sezan et al. (US Pat. No. 6,236,395).
4. Consider claim 4. Sezan et al. teaches that the XML file includes one or more of chapter times, positions, and labels, and the binary file includes presentation time and file offset of a packet corresponding to one or more video I-frames (col. 26, lines 51-67; col. 17, line 60 – col. 18, line 2; col. 18, lines 33, 60 and 66; figs. 4-12 and 14-16).
5. Consider claim 24. Sezan et al. teaches a system, comprising: a encoder to encode digitized video and audio data into packets in an MPEG stream (col. 13, line 21; fig. 2); a navigation generator coupled to the encoder to: examine the MPEG stream (col. 13, line 21; fig. 2); generate navigation information on packets associated with specific presentation points in the MPEG stream (col. 4, lines 40-55); and store a first component of information on the identified packets in an Extensible Markup Language

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file (col. 14, line 41 – col. 25, line 67; fig. 2) and a second component of file information on the identified packets in a binary navigation file separate from a file to store the MPEG stream (col. 7, lines 16-49; fig. 2); and a decoder to read and decode portions of the MPEG stream identified by the navigation information ( col. 8, lines 48-50).

6. Method claims 1 and 11 are rejected using similar reasoning as the corresponding system claim above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 5, 6, 8-11, 12-20, 22, 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US Pat. No. 6,236,395) in view of Tsumagari et al. (US Pat. No. 6,480,669).

9. Consider claim 3. Sezan et al. discloses all of the claimed limitations as stated above, except that the navigation database is maintained in a separate file and not encoded in the MPEG stream.

However, Tsumagari et al. teaches that the navigation database is maintained in a separate file and not encoded in the MPEG stream (col. 11, lines 21-23; fig. 5).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to maintain a separate file for the navigation database in order to make the system more proficient.

10. Consider claim 5. Sezan et al. discloses all of the claimed limitations as stated above, except that identifying packets includes identifying packets associated with selected presentation times in the playback.

However, Tsumagari et al. teaches that identifying packets includes identifying packets associated with selected presentation times in the playback (col.19, lines 17-28; fig. 25).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use to associate selected presentation times in playback with identified packets in order to provide a more efficient system.

11. Consider claim 6. Sezan et al. discloses all of the claimed limitations as stated above, except that identifying packets includes identifying a packet containing a video I-frame with a presentation time near one of the selected presentation times.

However, Tsumagari et al teaches that identifying packets includes identifying a packet containing a video I-frame with a presentation time near one of the selected presentation times (col. 15, line 47 – col. Line 6; fig. 14).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use to identify a packet containing a video I-frame with a presentation time near one of the selected presentation times in order for the user to easily recognize the contents on the medium.

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12. Consider claim 11. Sezan et al. teaches that the XML file includes one or more of chapter times, positions, and labels, and the binary file includes presentation time and file offset of a packet corresponding to one or more video I-frames (col. 26, lines 51-67; col. 17, line 60 – col. 18, line 2; col. 18, lines 33, 60 and 66; figs. 4-12 and 14-16).

13.

14. Consider claim 12. Sezan et al. discloses all of the claimed limitations as stated above, except a machine-readable medium having stored thereon instructions, which when executed by at least one processor.

However, Tsumagari et al. teaches a machine-readable medium having stored thereon instructions, which when executed by at least one processor (col. 22, lines 27-34; fig. 29).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use to provide a machine-readable medium having stored thereon instructions, which when executed by at least one processor in order to store the necessary data in.

15. Consider claim 18. Sezan et al. discloses all of the claimed limitations as stated above, except an apparatus, comprising a medium to provide an MPEG stream and an authoring tool coupled to the medium to examine the MPEG stream.

However, Tsumagari et al. teaches an apparatus, comprising: a medium to provide an MPEG stream (col. 1, lines 33-35); and an authoring tool coupled to the medium to examine the MPEG stream (col. 2, lines 18-41).

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Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to have medium to provide an MPEG stream with an authoring tool coupled to it, in order to created multimedia content.

16. Claims 8-10, 13-17, 19, 20, 22, 23, 25 and 26 are rejected using similar reasoning as the corresponding claims above.

17. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US Pat. No. 6,236,395) in view of Acampora et al. (US Pat. No. 5,168,356).

18. Consider claim 2. Sezan et al. discloses all of the claimed limitations as stated above, except that examining an MPEG stream includes examining a transport stream.

However, Acampora et al. teaches that examining an MPEG stream includes examining a transport stream (col. 2, lines 28-38).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to provide, handle, record and reproduce an MPEG stream in the format of a MPEG transport stream format for error detection and correction which provides a higher level of error resilience.

19. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US Pat. No. 6,236,395) in view of Tsumagari et al. (US Pat. No. 6,480,669) in further view of Taniguchi et al. (US Pat. No. 6,192,183).

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20. Consider claim 21. Sezan et al. and Tsumagari et al. discloses all of the claimed limitations as stated above, except that the authoring tool includes a processor and a computer program.

However, Taniguchi et al. teaches an authoring tool that includes a processor and a computer program (col. 10, lines 24-42).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to examine the MPEG stream with an authoring tool that includes a processor and a computer program which provides increased image quality and requires less time.

### ***Conclusion***

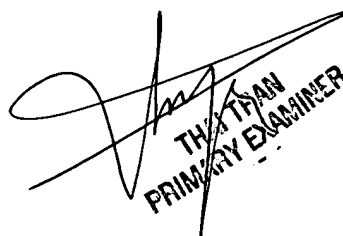
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mishawn Dunn  
March 21, 2006



THANH TRAN  
PRIMARY EXAMINER